

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7076 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- GAYA MUFASIL District- Gaya

MAHESH SHARMA Son of Jai Prakash Sharma R/V- Barew, P.S- Muffasil
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma,Adv.

For the Opposite Party/s : Mr.Rajendra Singh, APP.
Mr. Arvind Kumar Singh, Adv.
Mr. Mukul Jee, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504 of the Indian Penal Code.

Allegedly, the informant's younger son i.e. petitioner started constructing house on the share of the informant without his permission and when he objected, petitioner assaulted him by means of *Khanti*.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. The petitioner being the youngest son of the informant had filed a partition suit No. 270/19/342/19 pending in the Gaya Civil Court. It is further submitted that the injury sustained by the victim is simple in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as there is admitted land dispute between the parties and the injury sustained by the victim is simple in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Muffasil P.S. Case No. 61 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



However, if petitioner assaults the informant again, the informant would be at liberty to file an application before the learned Court below to cancel the bail bond of the petitioner.

(Anjani Kumar Sharan, J)

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